

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs.

22-CR-6009-CJS-MJP

JOHN LOONEY,

Defendant.

**MOTION FOR EXTENTION OF TIME TO FILE OBJECTIONS TO
MAGISTRATE'S REPORT AND RECOMMENDATION**

COMES NOW defendant, by counsel, James. A. Napier, Esq., and moves the Court for its Order extending the time within which defendant may file objections to the Report and Recommendation dated September 29, 2023 by United States Magistrate Judge, Mark W. Pedersen.

In support thereof, defendant states that:

1. The Report and Recommendation of the magistrate was provided to counsel on September 29, 2023, making objections to the Report and Recommendation initially due on or about October 13, 2023.

2. Counsel had been meeting with my client regularly and doing legal research regarding the Report and Recommendations. However, on November 17, 2023 while meeting in my office Mr. Looney may have suffered a stroke, as he lost the use of his legs while I was assisting him to exit my building. Mr. Looney and I work collaboratively and since that date we have only been able to meet, briefly, at his

home to prepare our Objections. Mr. Looney has been obtaining significant medical assistance since the incident. Mr. Looney is not able to drive since November 17, 2023. I have provided AUSA McGuire with a medical report regarding the incident and additional neurological and other medical appointments for this month. AUSA McGuire has advised that she has no objection to my request to extend filing of Objections date until January 10, 2024. I fully expect this is a final request for adjournment and we are committed to submitting Objections on or before that date.

3. As this Court can see based on the length of the Report and Recommendation and the length of previous pleadings submitted to the Magistrate, and the multiple argument dates, the legal issues involved here are rather complicated.

4. The Court did grant a fourth request for extension to file Objections to December 20, 2023.

WHEREFORE, defendant moves Court for an Order extending the time within which he may file his objections to the Report and Recommendation of the Magistrate until January 10, 2024.

/s/ James A. Napier, Esq.
James A. Napier, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system which sent notification of such filing to all counsel of record.

/s/ James A. Napier, Esq.
James A. Napier, Esq.
Counsel for Defendant, John Looney